DOCUMENT RESUME

ED 355 149 SO 022 969

AUTHOR Boles, Wilma
TITLE The Bill of Rights: A Law-Related Curriculum for Primary Students (Teacher's Guide and Student Materials).
INSTITUTION Bill of Rights in Nebraska Project.
SPONS AGENCY Nebraska Committee for the Humanities.
PUB DATE 86
NOTE 69p.; Also supported by grants from the Cooper Foundation, the Walter Scott Jr. Foundation, the Robert Veach Foundation, and the Winthrop and Frances Lane Foundation.
PUB TYPE Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052)

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Civil Liberties; Concept Formation; Conflict Resolution; *Due Process; Instructional Materials; *Law Related Education; *Laws; Learning Activities; *Legal Problems; Primary Education; *Social Studies; Student Development; Teaching Guides; Units of Study
IDENTIFIERS *Bill of Rights; United States Constitution

ABSTRACT

This curriculum unit focuses on individual and personal freedoms as guaranteed by the U.S. Constitution and as interpreted by the courts. In particular, the unit which includes illustrated student materials and a teacher's guide, underscores the idea of fundamental rights as expressed through the concepts of liberty, justice, and equality. Through a story format based in an animal community, the unit provides primary school students with the opportunity to make decisions about important fundamental freedoms. The unit seeks to encourage children to recognize situations that cause conflict, identify fundamental rights, and identify fair treatment. Each lesson includes a set of objectives, teacher instructions, and "Stop and Think" questions, "Think and Act" and "Think and Write" activities, and alternative and supplemental activities. Lessons offer teachers a foundation for experimenting with instructional ideas and taking advantage of special opportunities that arise as students become genuinely involved in thinking about the law. (LBG)

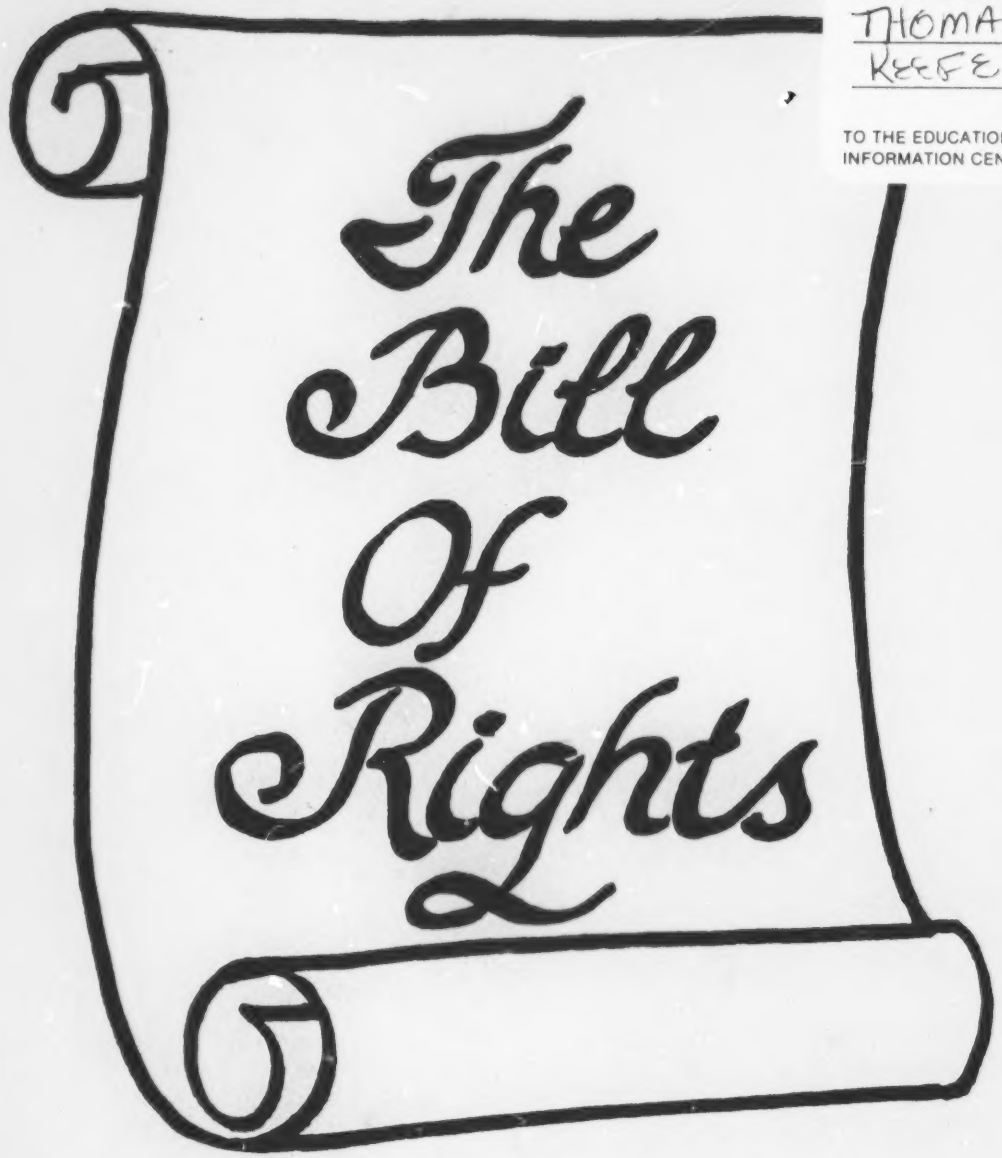
****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

Teacher's Guide

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
X This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
THOMAS E. KEEFE
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED355149



A Law-Related Curriculum for Primary Students

SO 022 969

BEST COPY AVAILABLE

Original Writer
Wilma Boles, Lincoln Public Schools
Drawings By
Wilma Boles, Lincoln Public Schools

A Project of

THE BILL OF RIGHTS IN NEBRASKA

(c) Copyright 1986 by THE BILL OF RIGHTS IN NEBRASKA PROJECT

Board of Directors
Alan H. Frank, University of Nebraska College of Law
Director
Wayne Kunz, Nebraska State Bar Association
Assistant Director

———

David A. Battiato, attorney
Neal Cross, Lincoln Public Schools
Jim Lukesh, Nebraska State Department of Education
Charlotte Manton, Lincoln Public Schools
Gary Melton, University of Nebraska
Department of Psychology
Chuck Tremper, University of Nebraska College of Law
Don Uerling, University of Nebraska Teachers College
Tom Walsh, Kansas Department of Education

———

Student Assistants
Judith Penrod Siminoe, Law
Linda Schmechel, Psychology

Nebraska
Committee for
the Humanities

Funding for this project is provided by a grant from the Nebraska Committee for the Humanities, an affiliate of the National Endowment for the Humanities and grants from the Cooper Foundation, the Walter Scott Jr. Foundation, the Robert Veach Foundation, and the Winthrop and Frances Lane Foundation.

PERMISSION TO REPRINT GRANTED TO SCHOOLS

THE BILL OF RIGHTS:

A LAW-RELATED CURRICULUM FOR PRIMARY STUDENTS

Rationale and Introduction to the Course

Children, like the rest of us, are reminded from time to time that "ignorance of the law is no excuse." Yet children often are ignorant of the law and are not provided with any systematic instruction to inform them about it. This deficiency is especially unfortunate and unnecessary with regard to the fundamental law of the United States—the Constitution and Bill of Rights. It is unfortunate because the constitutional rights of liberty, justice, and equality are critical to each citizen's relationship to the nation and, ultimately, to the survival of our democracy. It is unnecessary because the school setting provides an excellent opportunity for introducing children to these critical concepts. With suitable materials, teachers can tap into the rich quarry of stimulating legal issues to increase children's comprehension of the law and improve their reasoning skills.

The importance of early development and primary socialization, coupled with the the educational system's principal function of teaching cognitive competencies, underscores the desirability of introducing concepts of fundamental rights in the early grades. Undertaking such instruction presently is especially well-timed because of the impending bicentennial anniversaries of this nation's basic charters. In 1987 the United States Constitution will be 200 years old; 1991 marks the 200th anniversary of the Bill of Rights. These observances give teachers an extraordinary opportunity for arousing student interest through effective classroom activities.

This unit focuses on the individual and personal freedoms as guaranteed by the U.S. Constitution and as interpreted by the courts — namely, the idea of fundamental rights as expressed through the concepts of liberty, justice and equality. Through a story format of an animal community, students will make decisions about these important fundamental freedoms.

The goals of the unit are to:

Recognize situations that cause conflict.

Identify fundamental rights.

Comprehend the difference between a right and a law.

Comprehend that it is unfair to judge people or situations without sufficient information.

Comprehend the basic elements of procedural fairness.

Comprehend the importance of free speech in our society.

Identify fair treatment.

Recognize that rights sometimes need to be limited.

Included in each lesson is a set of objectives, teacher instructions, Stop and Think questions, Think and Act and Think and Write activities, and alternative and supplemental activities. Teachers should feel free to include other questions and activities.

Also included in the lessons are Points of Law which explain the legal concepts the lessons involve. They are intended as background information for the teacher.

The teaching of legal concepts is both challenging and worthwhile. To make meeting the challenge as easy as possible, these lessons are clearly presented and simple to teach. They also provide a foundation for experimenting with your own instructional ideas and taking advantage of the special opportunities that arise as students become genuinely involved in thinking about the law.

Lesson 1

CONFLICT

Goal

To recognize situations that cause conflict.

Objectives

1. The student will state the problems presented in Chapter 1 of the story.
2. The student will identify areas of conflict at school and in the neighborhood.
3. The student will propose solutions for the problems in the story and for conflicts at school and in the neighborhood.

Procedure

1. Introduce the lesson by talking with the class about a forest. Bring a box containing leaves, pine cones and needles, ferns, moss, feathers, etc. Use these objects and the picture of the forest to stimulate discussion. You might ask the class:

   Have any of you been in a forest? What types of animals live in a forest? Did you ever wonder how the animals got along with one another in the forest?

2. Instruct the students to read Chapter 1 of the story or read it to them.
3. Discuss the story with the class, using the Stop and Think questions (p.3) to facilitate thinking about what was read.
4. Introduce the Think and Act activity (p.4) in which each student finds a story or draws a picture that illustrates conflict.
5. Conduct a follow-up discussion focusing on the conflicts and solutions in the stories and pictures.

Supplemental Activity

Stories concerning conflict:

The Conversation Club, Diane Stanley, Macmillan (1984)

Mean Chickens and Wild Cucumbers, Nathan Zimelman, Macmillan (1984)

New Life: New Room, June Jordan, Thomas Y. Crowell (1973)

Lizzie Lies a Lot, Elizabeth Levy, Delacorte Press (1976)

Luke Was There, Eleanor Clymer, Holt, Rinehart & Winston (1973)

Number Four, Molly Cone, Houghton, Mifflin (1972)

North Town, Lorenz Graham, Thomas Y. Crowell (1965)

Best Friends for Frances, Russell Hobam, Harper & Row (1969)

Mike's the Best, Crosby Bonsall, Harper & Row (1973)

I Do Not Like It When My Friend Comes to Visit, Ivan Sherman, Harcourt, Brace, Jovanovich (1973)

Finders Keepers, Willard Nicolas, Harcourt, Brace & World (1951)

It's Mine! A Greedy Book, Crosby Bonsall, Harper & Row (1964)

Lesson 2

RIGHTS

Goal

To identify fundamental rights

Objectives

1. The student will define the term "right".
2. The student will identify the basic rights needed by the animals in the story.
3. The student will apply the definition of rights to the classroom setting.

Point of Law/Background information for the teacher

A right is something fundamental which belongs to a person by law, nature, or tradition. In our country the Bill of Rights of the United States Constitution guarantees to all residents such basic rights as the right to speak, write, gather together, and maintain religious beliefs without governmental interference; the right to be protected in our homes and possessions from government intrusion; and the right to be treated fairly and equitably by government.

Procedure

1. Help the students recall what took place in Chapter 1 of the story.
2. Introduce Lesson 2 by telling the students that in this chapter of the story the animals find a solution to their problem of not getting along with one another.
3. Guide the students in reading Chapter 2 or read it to them.
4. Present the Stop and Think questions (pp.6-7). Help the students explain what is meant by the word "right".
5. Introduce the Think and Act activity (pp. 7-9).

   For the first activity print the words "bear," "squirrel," "snake," "bird," and "fish" on separate sheets of paper, one per student. Ask students to select one of the roles and, imagining that they are that animal, respond on Worksheet A to the question: "What rights do you need to live safely and happily in the forest?" The students can work in groups or individually. Discuss the students' answers, helping the students to move from the specific rights of each animal to rights that apply to all the animals (right to eat, right to freedom of movement, right to be safe, etc.) Use the chalkboard or a large sheet of paper to list these rights. Compare the class list to the list the animals compile in Chapter 3.

   For activity 2 have the students compile their list of classroom rights individually, in small groups, or in a whole group discussion. Discuss the students' responses and compile them on a large sheet of paper.

Lesson 3

RIGHTS AND LAW

Goal

To comprehend the difference between a right and a law.

Objectives

1. The student will define the term "law".
2. The student will differentiate between a law and a right.

Point of Law/Background information for the teacher

A law is a rule that sets codes of conduct to insure that the rights of all citizens are protected.

Procedure

1. Review Chapter 2 of the story and the lists of rights the students have drawn up.
2. Guide the reading of Chapter 3 and a discussion of the Stop and Think questions (p.12)
3. Introduce the Think and Ask task (p.13). This task is designed to define and differentiate rights and laws in contexts that are familiar to the students. To assist the students you might want to take them on discovery walks around the school and neighborhood.

Discovery Walks

1. Take a walk around the school. Ask the students to think of rules that apply in different areas of the school.
   a. What rules are there for the hallways, stairways, bathrooms, playgrounds?
   b. How do these rules protect your rights in school?
2. Take a neighborhood walk. Ask the students what laws or rules apply in the neighborhood. How do these protect our rights?

Supplemental Activities

1. In the first 3 lessons, the students discussed the reasons for rights and laws. They defined "right" as something important that belongs to everyone. They defined "law" as a rule that protects rights.

   To give these terms greater application, ask the students to discuss disagreements they have encountered at recess, lunch, on the bus, or in the classroom. Help the students discover if a right was involved and what rule applies to protect the right. You might want to put this chart on the chalkboard:

Disagreement	Right	Law
1. *Pushing at the drinking fountain*	*To drink peacefully*	*Wait your turn*
2.		
3.		
4.		
5.		

2. Stories on laws and rules:

Fair Play, Munro Leaf, J.B. Lippincott (1958)

How Rules and Laws Help Us, Muriel Stanek, Benefic Press (1969)

The Taos Indians and Their Sacred Blue Lake, Marcia Keegan, Messner (1972)

Leaders, Laws, & Citizens, William Wise, Parents' Magazine Press (1973)

Lesson 4

RIGHTS, LAWS AND FAIRNESS

Goal

To comprehend that it is unfair to judge people or situations without sufficient information.

Objectives

1. The students will identify the conflict in the story.
2. The students will identify what right was denied and what law was broken in the story.
3. The students will recognize that facts may be distorted by inaccurate observation or reporting.
4. The students will recognize that it is unfair to judge on the basis of distorted and inaccurate facts.

Point of Law/Background information for the teacher

Wolf has broken the law that no animal may deprive another animal of his or her rights. Wolf did this by depriving Cardinal of the right to drink from the pool. This sets the scene for the problem the animals will have in Lesson 5 — how to deal with Wolf. In the end they decide to have a trial where the actual participants in the event will testify. At the end of Lesson 4, however, the other animals only know what they have been told. In fact the story has become exaggerated in the retelling. According to the forest gossip Wolf did not just want to keep Cardinal from drinking, but wanted all the water in the forest. The rumor clinic activity helps make the point that such hearsay gossip is not particularly reliable. Procedural fairness requires that Wolf not be judged on the basis of stories, but rather on relevant evidence presented at a trial in which fair fact finding procedures, such as the right to cross-examine one's accusers, are employed.

Procedure

1. Review the terms "right" and "law" with the students.
2. Provide time for reading Chapter 4 and discussing the Stop and Think questions (pp.15-16).
3. Conduct the Think and Act rumor clinic to demonstrate how facts are often distorted by time and retelling.

Rumor Clinic

1. Select six students to be reporters of the rumor. Have these six students leave the room.
2. After the six reports have left the room, show a picture to the class. (The more activities depicted in the picture the more effective the rumor.)
3. Put the picture away so no one can see it. Then have one of the reporters come to the front of the classroom.
4. Choose one student who saw the picture to describe it to the first reporter.

5. Call Reporter #2 into the room and have Reporter #1 "report" what he/she heard to Reporter #2. Then bring Reporter #3 back into the room and have Reporter #2 tell the story to him/her. Follow this procedure until all the reporters have received the information.

6. After Reporter #6 has received the description of the picture, tell him/her to report this information to the class.

7. After the report to the class, display the picture and discuss the difference between what was reported and what was shown.

8. Focus the discussion on how what really happened is often distorted by the passage of time (memory) and by embellishment (adding or taking away information with each retelling). Relate this to the concept of rights by discussing how it is not fair to make judgments based on only what one person says.

Alternative Activity

Create an "incident" in the classroom. For instance someone coming in and interrupting class. Later test your students' observation and recall by asking them questions about the incident. You can question individual students about what happened or question the whole class by having the students write down their answers.

Lesson 5

PROCEDURAL FAIRNESS

Goal

To comprehend the basic elements of procedural fairness.

Objectives

1. The student will decide whether Wolf was treated fairly.
2. The student will list fair and unfair procedures to settle conflict.
3. The student will apply fair procedures to a trial proceeding.

Point of Law/Background information for the teacher

This lesson concerns procedural justice. Wolf should not be punished unless it has been determined, using fair procedures, that Wolf has broken the law. The Bill of Rights guarantees residents of this country certain procedural rights. These include the right not to have one's person, home and belongings searched for evidence without good cause (4th Amendment); the right to refuse to testify against oneself and not to be tried twice for the same crime (5th Amendment); the right to a speedy and public trial, to be informed of the charges lodged against one, to face one's accusers, and to have the assistance of counsel for one's defense (6th Amendment); the right to trial by jury in both criminal and civil cases (6th and 7th Amendments); the right to reasonable bail, fines and punishment (8th Amendment); and generally the right not to be deprived of life, liberty, or property without due process of law (5th and 14th Amendments)

Procedure

1. Review what took place in Chapter 4.
2. Direct the class to read Chapter 5 or read it to them.
3. Lead a discussion of the Stop and Think questions (p.19).

   The students might answer "yes" to question 1. If they do help them see that two wrongs do not make a right. The animals do not know yet whether Wolf did anything wrong; they have only heard stories. If someone in the class broke a rule on the playground, would it be fair to punish the student before knowing what happened and why?

   Help the students evaluate their responses to question 3. Are their suggestions fair? Would it be fair to decide by flipping a coin, listening only to Cardinal, deciding who was liked best, having a jury of only cardinals?

4. Conduct the Think and Act activity — the trial of Wolf (p.20). Cardinal has accused Wolf of breaking the law by preventing Cardinal from exercising the right of getting a drink from the Cool Pool. Wolf is entitled to a trial to explain what happened. Lead the students through the role play using these procedures:

   a. Divide the class into groups of three. Each member of the group will play one of three roles: Wolf, Cardinal, or Judge.

b. Explain the duties of each role:

The **Judge** must see that both Cardinal and Wolf have a chance to explain their side of the story. The judge should listen carefully while they are telling their stories. The judge decides whether Wolf as guilty. (Wolf has a right to a jury trial, but to keep things simple Wolf has agreed to be tried by a judge.)

Cardinal is the one who has accused Wolf of doing something wrong. Cardinal tells his/her side of the story first.

Wolf has been accused of doing something wrong. Wolf listens to Cardinal and then tries to explain why he/she had a good reason to do what he/she did.

c. Separate the "Wolves" from the "Cardinals" and read to each group the arguments that their animal can make or have each Cardinal and Wolf read over the appropriate argument. The arguments are printed below. During the trial the students should not have the written testimony, but should put the arguments into their own words.

d. Provide time for groups to role-play the trial using the steps given in the student book.

e. After all groups have reached a decision, ask the judge from each group to present the verdict and reasons to the class. The judge's decision may vary from group to group. As in the real court cases there are many variables that can affect the outcome.

f. After the verdicts have been rendered, focus the discussion on the fairness of the trial procedure in resolving disagreements.

Arguments at the Trial

Cardinal

It was a hot and steamy day. I was very thirsty. I flew to the Cool Pool to get a drink of water. Wolf was there and would not let me drink. Wolf kept shooing me away. Wolf said he/she was bigger than I was and that I could not drink from the pool. Wolf said he/she didn't care what the List of Rights said.

Wolf

It was a hot, steamy day and I was very thirsty. I went to the Cool Pool to have a drink. As I was drinking Cardinal flew right at me trying to get a drink. Birds are always flying around my head bothering me. I wanted to drink in peace without having birds flying by my head. I should have the right to drink in peace. If Cardinal wants to drink, Cardinal can wait until I'm done.

Alternative Activity

You may want the students to use simple puppets or paper bag masks to represent the characters in the story. Volunteers can be chosen to act out the story. After the enactment, give the class members time to question Cardinal and Wolf about the incidents that took place and how each felt. When the questioning is finished, use a show of hands or secret ballot to indicate whether it was wrong for Wolf to keep Cardinal from drinking at the Cool Pool.

Lesson 6

THE RIGHT OF EXPRESSION

Goal

To comprehend the importance of free speech in our society.

Objectives

1. The student will state reasons why the animals did not allow the wolves to speak.
2. The student will analyze how limiting information hinders decision-making.
3. The student will analyze the need for reasonable limitations on rights.

Point of Law/Background information for the teacher

The First Amendment to the U.S. Constitution guarantees freedom of speech. That means that government may not unreasonably interfere with individuals' rights to speak and otherwise express their ideas. One of the reasons the Constitution guarantees this right is to allow the free expression of ideas. When all points of view are allowed to be expressed, decisions will not be made on the basis of incomplete information. This marketplace of ideas is important to the functioning of a democratic society. No one, not even the government, has a monopoly on ideas.

However, the First Amendment has not been interpreted as an absolute. The rights of an individual to express his or her views needs to be balanced against the needs of society. Thus one can be punished for falsely yelling "Fire!" in a crowded theater or organizing, without a permit, a demonstration that ties up traffic. More on this point in Lesson 9.

In our scenario the animals not only keep the wolves from speaking, but also refuse to listen to Turtle, who objects to the silencing of the wolves. Whatever decision is made by the animals it will be without input from those who feel that the wolves should not be punished. But the wolves and Turtle are not the only animals who are restricted in their speech. Squirrel, who is chairing the meeting, says the animals may only speak when called on. The freedom to speak may be reasonably regulated to promote societal goals such as orderly meetings in which each animal's viewpoint can be heard one at a time.

Procedure

1. Direct the students to read Chapter 6 or read it to them.
2. Discuss the Stop and Think questions (pp.24-25) with the class.
3. Conduct a class discussion in which free speech is limited, using the following procedures:
   a. Set up a situation where the teacher is to make a decision based on input from the class. For instance, a decision needs to be made as to whether the class outing is to be at the park or at the zoo, or whether the class should read a mystery or a biography. The decision is to be made by you (as if you were the president or the mayor or the city council), but only after you have listened to the various positions of the students.
   b. By using a sign-up sheet or hand poll determine where individual students stand on this issue.

BEST COPY AVAILABLE

c. Conduct the discussion by calling on only those students who favor one of the options — e.g. going to the zoo. Now and then say "No, I don't want to hear from you, Karen, you said you want to go to the park, I only want to listen to those who want to go to the zoo." If a student begins to say something favorable about going to the park, stop him or her saying, "No, I don't want to hear why we should go to the park, I only want to hear why we should go to the zoo."

d. Decide that the class will go to the zoo, listing as reasons those pro-zoo, anti-park reasons given by the class.

e. Lead a discussion as to why this is unfair, emphasizing a need to hear all viewpoints before a fair decision can be made. Then conduct a second discussion listing arguments for and against each option on the board before making a decision — perhaps assisted by a class vote.

4. Introduce the Think and Write task (p.25). Instruct the students in groups or individually to create stories where things went wrong because someone wasn't listened to or allowed to speak. An example would be an older child who tells his or her younger brother or sister to stop pestering him or her and doesn't give the sibling a chance to say that the family's pet dog has run away. The dog is later hit by a car and injured.

Supplemental Activity

Read to the class Aesop's fable "The Boy Who Cried Wolf."

The Boy Who Cried Wolf

There was once a shepherd boy who looked after sheep for all the people in the village where he lived. Every morning he collected the sheep from their owners and drove them out onto the hills to feed. Every evening he rounded them carefully up and brought them home again.

Some days it was pleasant on the hillside and the time passed quickly. On other days the boy grew bored and restless with nothing to do but watch the sheep nibbling at the short grass from morning till night.

One day he decided to amuse himself.

"Wolf! Wolf!" he shouted at the top of his voice. "A wolf is taking the sheep!"

The villagers all came rushing out of their houses to help him drive the wolf away — only to find the shepherd boy laughing till the tears rolled down his cheeks at the sight of their angry faces.

The boy tried the same trick again and again and each time the villagers rushed to his aid. Then, late one winter evening, just as the boy was thinking of gathering the sheep together to take them home, a real wolf came prowling around. The first the boy knew of it was a sound of frightened baaing from the sheep. Peering into the gloom he saw a long, grey shape creeping towards the flock.

The shepherd boy was very frightened. The wolf looked very big in the half darkness and he had only his crook to fight with. Shouting "Wolf! Wolf! A wolf is taking the sheep!" at the top of his voice, he raced towards the village. This time, however, the villagers did not come running out of their houses to fight the wolf. One or two of them looked up from what they were doing to grumble at the noise but most of them shrugged and said: "He has played that trick once too often."

Before the boy could find anyone to help him, the wolf had run off with all the sheep.

No one believes a liar — even when he tells the truth.

Have the students act out the fable or draw pictures of it and put on a "television show." Using the fable as an example, discuss the importance of allowing people to express their ideas and the responsible use of the right of expression.

Lesson 7

THE RIGHT TO EQUAL PROTECTION (1)

Goal

To identify fair treatment.

Objectives

1. The student will compare the wolf story with the swimming pool story.
2. The student will decide if it is fair to punish an entire group for actions of one member.
3. The student will challenge a stereotype by writing a positive story about wolves.

Point of Law/Background information for the teacher

The Fourteenth Amendment to the United States Constitution guarantees "equal protection of the law." This means that government cannot unreasonably differentiate among groups of people. It would be unconstitutional to pass a law that says only men may drive, but it is not unconstitutional to pass a law that says people 16 years or older may drive. It is believed that there is a rational relationship between age and having sufficient maturity to drive.

Most importantly the equal protection clause protects us against class discrimination — unfair treatment based on race, sex, religion, etc. Classic examples of such unfair treatment were segregation laws which discriminated against blacks. A root cause of discrimination is stereotyping based on the group to which the individual belongs — e.g. all women are good cooks, girls are neater than boys, blacks are better athletes than whites. Under our Constitution, government cannot discriminate against individuals because of particular group membership — be it racial, religious, gender-based, political, or other.

In our story all the wolves are punished because of the bad acts of one wolf and because of the stereotypical view of wolves as "big, bad."

Procedure

1. Review Chapter 6 of the story with the students.
2. Direct the students to read Chapter 7 or read it to them.
3. Discuss Stop and Think questions (pp.28-29) with students.
4. Introduce the Think and Write task (p.29). Instruct the students to write a story or put on a play about a good wolf. After sharing stories, discuss ways in which people are sometimes treated unfairly because of attitudes toward groups to which they belong.

Supplemental Activities

1. Grow plants in the classroom. Give adequate water to one set of plants, give the other set no water.
2. a. Divide the class into small groups. Deliberately favor one group over another. For example: (1) group A & B may talk and walk about the room, but Group C must stay at their desk and be quiet; (2) dark-haired persons may go to recess first, while light-haired persons must wait; (3) give a prized object — a star, a piece of candy — to students who are wearing red, but none to those who are not.

b. At the end of the activity ask the students how it felt to be in the favored group, and how it felt to be in the non-favored group. Then ask the following questions:

1. Was it fair that rewards were given to certain people simply because of what group they were in?

2. Was it fair that some people were "punished" simply because of what group they were in?

3. Was there any reason why all students could not have been treated the same?

3. Ask the students to think about the following situation: We all know that there is a rule that no one is allowed to talk during fire drill. Suppose that one student in our classroom talked during a fire drill.

a. Is it fair to have a rule which says there shall be no talking during a fire drill? Why?

b. Is it fair to punish a student who breaks the "no-talking-during-fire-drills" rule?

c. Is it fair to punish everyone in our class if one student in the class breaks the "no-talking-during-fire-drills" rule? Why or why not?

4. Stories on diversity; racial, cultural, or religious minorities; sex role stereotyping; aging; and handicapped individuals:

Amy and the Cloud Basket, Ellen Pratt, Lollipop Power, Inc. (1975) (sex role expectations)

Wagon Wheels, Barbara Brenner, Harper & Row (1978) (Black pioneers)

Oliver Button Is a Sissy, Tomie de Paola, Harcourt, Brace, Jovanovich (1979) (sex role stereotyping)

Wingman, Manus Pinkuater, Dodd, Mead & Co. (1975) (Orientals, poor people)

The Legend of Scarface, Robert San Souci, Doubleday (1978) (Indian myth about man with an ugly birthmark)

My Dog Is Lost, Ezra Jack Keats & Patt Cherr, Thomas Corwell (1960) (race)

Faces, Barbara Brenner, Clark, Irwin & Co. (1970) (individual differences)

What Is Your Favorite Thing to Touch, Myra T. Gibson, Grossett & Dunlap (1965) (individual differences)

Tears of the Dragon, Hirosuke Hamada, Parents' Magazine Press (1967) (individual differences)

The Unmasking of Rabbit, Constance C. Greene, Viking Press (1972) (individual differences)

Berries Goodman, Emily Cheney Neville, Harper & Row (1965) (individual differences)

The Patchwork Quilt, Valerie Flournay, Dial Press (1985) (aging)

The Granny Project, Anne Fine Farrar (1984) (aging)

Angel Child, Dragon Child, Michele Maria Surat, Carnival/Raintree (1984) (Vietnamese)

My Friend Leslie: The Story of a Handicapped Child, Maxine B. Rosenberg, Lothrop (1984) (handicapped)

The Sacred One, Dennis Haseley, Warne (1984) (American Indian)

Town and Country, Alice & Martin Provensen, Crown (1985) (rural/urban)

Jafta, Hugh Lewin, Carolrhoda (1984) (South African child)

Bicycle Rider, Mary Scioscia, Harper (1984)(Black)

The Legend of the Bluebonnet: A Tale of Texas, Tomie de Paola, Putnam (1984) (Comanche)

Squanto and the First Thanksgiving, Joyce K. Kessel, Carolrhoda (1984) (American Indian)

Big Sixteen, Mary Colhoun, Morrow (1984) (Black)

My Mother and I Are Growing Strong, Inee Mallry (1970) (sex role expectations)

The Pair of Shoes, Aline Glasgow, Dial Press (1971) (poor, Jewish)

In the Year of the Boar and Jackie Robinson, Bette Bao Lord, Harper (1984) (Oriental)

Lesson 8

EQUAL PROTECTION (2)

Goals

To recognize:

1. Where people are the same in all relevant respects, it is fair to treat them the same.
2. Where people are different in certain important respects, it is fair to treat them differently.

Objectives

1. The student will state the problems faced by the animals in Chapter 8.
2. The student will propose solutions to the problems in Chapter 8.
3. The student will identify situations where it is fair to treat people the same and where it is fair to treat people differently.

Point of Law/Background information for the teacher

This lesson continues the consideration of equal protection first raised in Lesson 7. There it was suggested that there is no reason why wolves should be treated differently from other animals as far as the right to drink was concerned. Stereotyping and prejudice against groups was also discussed. In this lesson we consider when it is fair not to treat things equally. Under the U.S. Constitution, government does not have to treat everyone the same. Not everyone should be licensed to practice medicine, for instance. If the discrimination between who can and cannot practice medicine is based on good and sufficient reasons — like graduating from an accredited medical school and passing tests showing competency — then it is legal. If the discrimination is based on reasons that are not relevant — like being a male — then it is illegal.

In some cases it may not be fair to treat people who are different the same. For instance, special education students are treated unequally (they receive more resources per capita) because they have a greater need. In fact it can be argued that to treat special education students equally (spend the same resources on them per capita as regular students) would be to deny them equal educational opportunity. For the same reason it is not fair to treat all the animals the same as far as food distribution goes because they have different needs. If each gets enough to meet his or her needs, then each really is being treated fairly.

Procedure

1. Direct the students to read Chapter 8 or read it to them.
2. Discuss the Stop and Think questions (pp. 31-32, 32, 33) with the students at the appropriate places in the story.
3. Introduce the Think and Act task (pp.33-34). Discussion questions for each situation can be drawn from the following analysis:

   Situation 1: While in many situations response C — splitting the apple — would be the fairest, here, where Harry is very hungry and needs the apple and Ralph has just eaten, it is probably fairer to not treat Harry and Ralph alike, but to give the apple to Harry.

   Situation 2: Tracy and Stephanie are not alike. Tracy worked harder and did better on the test. It is fairer to give Tracy the higher grade.

Situation 3: Johnny and Susy are doing very similar tasks, and spending about the same amount of time in completing the tasks. It is fair to treat them the same by paying them the same amount of money for doing very similar tasks.

Supplemental Activities

1. Activities for younger children:

   a. Bring to class a large Tootsie Roll or other special item which can be divided for the class. Begin the discussion by asking "Who should receive the item? Why? Should everyone receive a portion? Why?" Fairness would seem to dictate that everyone should get an equal share in the absence of some special circumstance. Conclude the discussion with the idea that even though all received only a small portion, all received an equal portion.

   b. Ask the students to write or create a visual expression of how it would feel not to get a piece of the Tootsie Roll. (How it would feel to not be allowed an equal portion?)

   c. Set up activity centers in which the students do a variety of manipulative activities. In one center the students can form play dough into various shapes. Have them form two or more objects that are equal in size, shape, etc. In another the students are given various measuring tools to measure equal portions of water, rice, or oatmeal. In the third students manipulate Cuisenaire Rods to find equal lengths.

   d. Tell the students to dictate into a recorder or write sentences using the word equal.

   e. Help the students develop a bean bag game where everyone gets an equal part in the game.

2. Activities for older children:

   a. Read to or tell the students Aesop's Fable of "The Fox and the Stork."

The Fox and the Stork

A fox invited a long-beaked stork to dinner with him.

"I hope you don't mind sharing the same dish with me," said the fox. "It is our custom in the woods to eat together to show that we are friendly."

"Not at all," said the stork politely.

The fox brought a wide, shallow bowl of thin soup and set it between them.

"Please help yourself," he said, settling down to lap the soup with his long pink tongue.

The stork stood with her long legs apart and put the tip of her long, thin beak into the soup; but although she tried to scoop up the thin liquid it was quite impossible for her to do so. Even when she did manage to hold a few drops in her beak they were lost long before they could trickle down to her throat. Too polite to complain, the stork went home hungry while the greedy fox lapped up all the soup. As she left she heard him laughing to himself at his own cleverness.

A few days later the stork invited the fox to have dinner with her in return and the fox made his way to her home.

"It is our custom to share a dish, too," said the stork. "I hope you will join me."

"Certainly, certainly," said the fox, licking his lips. He had not eaten all day.

The stork brought her food. This time, however, it was served in a tall, thin jug with a narrow opening at the top.

"Please begin," said the stork, thrusting her beak into the jug. "Mmmm. It is good."

Of course the fox could not get his nose into the jug at all. All he could do was sniff hungrily at the delicious smell and lick the occasional drop that spilled over the side.

"I suppose I can't complain," he said to himself sadly as he made his way back to the woods. "After all, I taught her the trick myself."

What is the moral of the story?

(Even though both the Fox and the Stork were treated equally — given the same dish to eat from — the results were unfair because of the differences in the way foxes and storks eat.)

Think about this story and the story about the animals and the food. How are these two stories alike? What is the main idea of these two stories?

b. In each of the situations described below, have the students decide if it is fairer to treat the children the same or to treat them differently.

1. Uncle Jack brings a glider and a kite to Bobby and Becky's house. Bobby and Becky like both gifts. Bobby cannot decide which gift he likes best and wants them both. Uncle Jack gives both the glider and the kite to Bobby. Is this fair?

   (Clearly Bobby should not get both gifts. A fairer solution would be to give each a gift, either by letting Becky decide because Bobby cannot decide or by using a grab bag approach, or to let them share the gifts.)

2. Aunt Bea has two puppies she wants to give away. Jason loves animals and treats his pet animals well. Mike has had some animals, but failed to feed and take care of them. Aunt Bea gives both puppies to Jason. Is this fair?

   (Unless Mike has shown that he can now take care of animals, it is fair for Aunt Bea to give both animals to Jason. Jason and Mike differ in certain important respects — Jason has shown he can take care of pets, Mike has not.)

3. Mr. Snow, the 2nd grade teacher, wants students who will clean the chalkboards after class everyday for the next two weeks. Both Amy and Katie want to clean the boards. Amy is tall and can reach the top of the chalkboard; Katie is short and cannot reach the top. Mr. Snow decides that Amy will clean the chalkboards for the full two weeks. Is this fair?

   (The solution is unfair. While Amy and Katie differ in height, that difference is unimportant as Katie can easily stand on a stool or other safe object to clean the board. The work can be split equally between them.)

4. Neither Natalie nor Nathan like to take baths. When they are outside playing, Natalie gets very dirty and Nathan does not. Their father makes Natalie take a bath, but not Nathan. Is their father being fair?

   (This is a fair solution. Natalie and Nathan are different in an important respect — Natalie is dirty, Nathan is not.)

5. Both Johnny and Joan enjoy playing soccer. Johnny is a very good soccer player. Joan does not play soccer very well. Johnny is allowed to play soccer during recess, Joan is not. Is this fair?

   (This is unfair. Although Johnny is a better player, there is no reason why Joan cannot also play, at least where the game is being played for recreational purposes.)

6. Mrs. Hopkins, the next door neighbor, has told Derek and Amber that she is going to make cookies for a bake sale and would like them to help her. Derek helps, but Amber does not because she would rather play outside. When the cookies are done both Derek and Amber want some. Mrs. Hopkins gives two cookies to Derek, but none to Amber. Is this fair?

   (This is fair. Derek contributed to the making of the cookies; Amber did not.)

c. The last hypothetical points out an issue not raised in the story. What if one or some of the animals did not contribute to the gathering of the food? Should these animals get the same amount of food as an animal with equal needs that did contribute?

   You may want to read to the students Aesop's fable, "The Ant and the Grasshooper:"

The Ant and the Grasshopper

One cold, frosty day in the middle of winter a colony of ants was busy drying out some grains of corn which had grown damp during the wet autumn weather. A grasshopper, half dead with cold and hunger, came up to one of the ants.

"Please give me a grain or two from your store of corn to save my life," he said faintly.

"We worked day and night to get this corn in. Why should I give it to you?" asked the ant crossly. "Whatever were you doing all last summer when you should have been gathering your food?"

"Oh I didn't have time for things like that," said the grasshopper. "I was far too busy singing to carry corn about."

The ant laughed unkindly. "In that case you can sing all winter as far as I am concerned," he said. And without another word he turned back to his work.

Plan ahead. You can't rely on other people to look after you.

d. Among other stories that deal with this and related issues are:

   The Little Red Hen, any version (also available on Golden Books videotape)

   Frederick, Leo Lionni, Pantheon (1967)

   The Best of the Bargain, Janina Domanska, Greenwillow Books (1977)

   A Treeful of Pigs, Arnold and Anita Loebel, Greenwillow Books (1979)

Lesson 9

RIGHTS IN CONFLICT

Goal

To recognize that rights sometimes need to be limited, especially when rights are in conflict with each other.

Objectives

1. The student will identify the conflict facing the animals in Chapter 9.
2. The student will list the rights of each animal in the conflict.
3. The student will compare a classroom conflict to the conflict faced by the animals.
4. The student will propose resolutions to a classroom conflict that do not take away rights.

Point of Law/Background information for the teacher

This lesson picks up the point raised briefly in lesson 6. The rights guaranteed by the Bill of Rights are not absolutes. The rights of individuals need to be balanced against the needs of society. Thus one can be punished for falsely yelling "Fire" in a crowded theater or for organizing a disruptive demonstration without a permit. Balancing is particularly called for when the rights of the individuals are in conflict. A classic example is the conflict between the right of a free press and the right of one accused of a crime to a fair trial without prejudicial publicity.

In our story the animals decide that the right of both Owl and Robin to speak should be limited to allow the animals to rest in a quiet atmosphere. One who yells at the top of one's voice in a residential neighborhood at night would probably be arrested for disturbing the peace despite the First Amendment guarantee of free speech. Freedom of speech can be restricted by placing on it reasonable limitations of time, place, and manner.

Procedure

1. Direct the students to read Chapter 9.
2. Discuss the Stop and Think questions (pp.36-37,39) with the students as they arise in the story.
3. Introduce the Think and Write task (p.39). Discuss the students' solutions to the confict in the story.

   (The students should suggest that the rights of the third grade class be restricted. The third grade class does not have the right to sing anytime or anyplace it pleases. One solution would be for the third grade class to practice in some other part of the building. Another solution would be to practice when the second grade class was not in its room — for instance when the second graders have gym. Focus discussion on the point that when rights are in conflict the rights of one or both of the parties need to be restricted in a reasonable way for the good of society as a whole.)

Supplemental Activity

Tell the students that they are going to perform a song. Some of them can bring toy instruments to class; others will sing. When everyone is ready tell them to sing or play their instruments without any instructions on what to play or sing, etc. Tape the results. Then give them a tune to play and sing. Tape these results and compare the two tapes. Is anything gained by restricting everyone's freedom to play or sing what he or she wants?

Student Materials

A Law-Related Curriculum for Primary Students

BEST COPY AVAILABLE

Original Writer
Wilma Boles, Lincoln Public Schools
Drawings By
Wilma Boles, Lincoln Public Schools

A Project of

THE BILL OF RIGHTS IN NEBRASKA

(c) Copyright 1986 by THE BILL OF RIGHTS IN NEBRASKA PROJECT

Board of Directors
Alan H. Frank, University of Nebraska College of Law
Director
Wayne Kunz, Nebraska State Bar Association
Assistant Director

David A. Battiato, attorney
Neal Cross, Lincoln Public Schools
Jim Lukesh, Nebraska State Department of Education
Charlotte Manton, Lincoln Public Schools
Gary Melton, University of Nebraska
Department of Psychology
Chuck Tremper, University of Nebraska College of Law
Don Uerling, University of Nebraska Teachers College
Tom Walsh, Kansas Department of Education

Student Assistants
Judith Penrod Siminoe, Law
Linda Schmechel, Psychology

Nebraska Committee for the Humanities

Funding for this project is provided by a grant from the Nebraska Committee for the Humanities, an affiliate of the National Endowment for the Humanities and grants from the Cooper Foundation, the Walter Scott Jr. Foundation, the Robert Veach Foundation, and the Winthrop and Frances Lane Foundation.

PERMISSION TO REPRINT GRANTED TO SCHOOLS

BEST COPY AVAILABLE

CHAPTER 1

It is a beautiful forest, smaller than you might imagine. In fact, the feeling is rather cozy. The forest flowers are beautiful. The delicate feather-like ferns surround the cool, clear, sparkling pool of water like guards protecting a precious diamond. The sweet smell of ripening forest fruit fills the air. This seems like a lovely, peaceful place where many kinds of animals live together.

Come walk into the forest. Can you smell the flowers? Bend down and feel the cool water. Stop and listen. Be very still. Look there! An animal is coming to the pool for a cool drink. What kind of animal is it? Is it big? There are many animals in this forest. If you listen carefully, you can hear them calling to one another. Let's listen and see how they are enjoying life in the forest.

"Good morning, Robin, how are things way up there in the treetops today?" asks Gopher cheerfully.

"How dare you ask me such a dumb question after those terrible high winds yesterday," answers Robin.

"What happened?" asks Gopher.

"What happened? My nest was blown away and all my furniture was broken," mourns Robin.

"I'm sorry," says Gopher. "I wish I could have helped."

"Sorry, are you," chirps Robin angrily. "While my life was in danger, what did you do? You scurried down into your safe underground home and hid. A fine neighbor you are!"

The more Robin talked the angrier Robin became. Robin became so angry that she swooped down and plugged up Gopher's hole with leaves and twigs and mud.

Meanwhile in another part of the forest. . .

"Oh, it's off to work I go, yes it's off to work I go, busy, busy, busy, my work is never, never done, never done." chatters Squirrel. "Walnuts, acorns, berries, bark; scurrying, gathering, hauling, hiding, my work is never, never done."

"Will you please be quiet!" yawns Opossum. "I'm trying to take a snooze. All you do is chatter, chatter, chatter all day long."

"I agree," hisses Snake. "And be careful with those acorns. They feel like bombs when they fall and hit my head! My whole body has bruises because of you, Squirrel!"

"Oh, go shed yourself a new skin," scolds Squirrel.
And on and on it goes . . .

Every Monday morning, all the animals gather together under the Old Oak Tree near the beautiful Cool Pool. The animals meet with each other to make sure everyone is all right and to check on the latest forest activities. They talk, laugh, make plans and have fun.

At the next Monday morning meeting it is clear that the animals will have a problem to discuss. Some animals argue or disagree or just don't get along very well. The forest is such a beautiful place, far too beautiful to be spoiled by fights and yelling. What can be done to stop these quarrels? How can the animals get along better?

STOP AND THINK

1. What were some of the problems that the animals were having with one another?

   _____

   _____

   _____

2. What are some things the animals could do to help themselves get along better?

   _____

   _____

   _____

3. What are some ways that people have trouble getting along at school or in their neighborhood?

   _____

   _____

   _____

4. What are some things that could be done to make your neighborhood or classroom a place where everyone gets along better?

   _____

   _____

   _____

THINK AND ACT

Find a story or draw a picture about people or animals who are having trouble getting along with one another. Describe:

1. Who is involved in the story or pictures?

2. What is the problem, or why aren't they getting along?

3. What happened or might happen as a result of not getting along with one another?

4. Did they solve their problem of not getting along with each other? If so, how did they solve their problem? If not, what could they have done?

BEST COPY AVAILABLE

CHAPTER 2

At the next Monday morning meeting all the animals discuss what can be done to help one another get along better. Suddenly Eagle speaks, "Perhaps what we need to do is make up a list of things we all can do."

"What would we call such a list?" asks Gopher.

"Well, we could call it a 'List of Things We All Can Do'," explains Eagle, "but if you think we need a shorter name, we could call it a list of...Let's see...what would be a good name...Oh, I know, we could call it our 'List of Rights'. These are the things we animals all must be able to do so that we can be happy and free to be ourselves—to live our lives in harmony."

"Sounds gr-r-r-reat!" growls Bear.

Eagle announces, "There are rights that belong to **EVERY** animal.

"That's right," says Robin, "I want the right to fly anywhere."

"I can't fly," says Deer. "I should have the right to run anywhere."

"You may be able to run, Deer, but that's not possible for me," says Snake.

Turtle chuckles, "That's not possible for me either. I want the right to swim and walk as slowly as I like."

"Why do you always want to fly, Robin?" asks Squirrel.

"I have to look for food and things to make my nest," replies Robin.

"I don't need to find things to make my nest," says Deer. "I just find a nice tree for shelter."

"Just so you don't cover my hole!" exclaims Gopher.

"We are so different," says Bear. "How can we ever make a list of rights that all of us could agree to?"

"It's true, we're different," responds Eagle, "but aren't there some things that all of us want or need — things that are the same for each of us?"

"Hummmmm," all the animals say, thinking as hard as they can. "What could those things be?"

STOP AND THINK

1. What problem were the animals trying to solve?

_____

_____

_____

2. What is a right?

_____

_____

_____

3. Are there some things all the animals have in common? What are some ways the animals' needs and wants are alike?

_____

_____

_____

4. Are there some things all people have in common? What are some ways people's needs and wants are alike?

_____

_____

_____

THINK AND ACT

1. Pretend you are a bear, squirrel, snake, bird, or fish. Using Worksheet A, list those rights that you would need to live safely and happily in the forest. Compare your list with those of other students.

2. Using Worksheet B, list some rights that would help your class live safely and happily together. Compare your list with those of other students.

WORKSHEET A

Which Rights might each animal want?

Bird says, _____

_____

_____

_____

Bear says, _____

_____

_____

_____

Squirrel says, _____

_____

_____

_____

Snake says, _____

_____

_____

_____

Fish says, _____

_____

_____

_____

WORKSHEET B

- CLASSROOM RIGHTS -

9

LIST OF RIGHTS
We animals have the:
1. Right to get together
2. Right to speak
3. Right to eat
4. Right to drink from pool
5. Right to sleep
6. Right to be treated fairly
7. Right to be safe
8. Right to be alone
9. Right to have peace
10. Right to protection

BEST COPY AVAILABLE

CHAPTER 3

After much thought the animals put together *The List of Rights* and post it on the Old Oak Tree where all the animals can see it.

"All the animals have these rights and since these rights belong to all of us, one animal cannot stop another animal from doing the things that are on the list," proclaims Eagle, proudly.

"Hey, wait a minute. We all agreed to the rights, but there may be a problem," says Fieldmouse.

"What problem?" all the animals ask.

"I'm just a little creature," says Mouse. "What if a bigger animal stops me from doing one of the things on the list? What do we do then?"

"Maybe we need to make a law before that happens," proclaims Moose.

"A what?" asks Skunk.

"A law," Moose answers. "You know, a rule that says we all can do the things that are on the list and no animal can stop another animal from having these rights. If an animal stops another animal from having one of these rights, that animal breaks the law and can be punished."

After further discussion, the animals agree to the following law:

Snake looks at the law and then at the list of rights on the tree and gets a puzzled look on his face.

"Is there something wrong?" asks Cardinal.

"Yes," replies Snake. "I don't think I understand the difference between rights and laws."

"Me neither," says Chipmunk and Wolf together.

"Good question," says Moose. "Those two things are hard to understand. Think of them this way. A right is something important that belongs to all of us. Having rights helps us to be treated fairly. For example, we put 'The Right to be Safe' on our list. This is a right for all animals in this forest. A law is a rule that tells us how to behave so that our rights are protected. To help us be safe, we might pass a law that says no animal may hit another animal. If one of us would hit another animal, he or she would break the law and could be punished."

"So the law is something that helps us make sure that we don't take each others rights away," says Otter.

"Oh, I see," says Snake excitedly. "Rights and laws help us live together peacefully."

STOP AND THINK

1. What problem did Fieldmouse notice with the List of Rights?

_____

_____

_____

2. How did the animals solve this problem?

_____

_____

_____

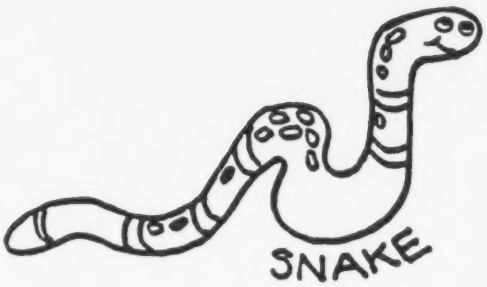
3. What is the difference between a right and a law? (Look at Moose's comment on rights and laws.)

_____

_____

_____

THINK AND ACT



While at school, at home, or in your neighborhood, think about all the different rules you must follow. On a piece of paper, write down rules you must follow at school, home, and in your neighborhood. Opposite the rule, write what right that rule protects. Here are some examples.

RULE (LAW)	RIGHT PROTECTED
School	
1. *No running in the hall.*	1. *The right to be safe.*
2.	2.
3.	3.
Home	
1. *Be quiet when people are sleeping.*	1. *The right to sleep.*
2.	2.
3.	3.
Neighborhood	
1. *Don't take other people's property.*	1. *The right to own things.*
2.	2.
3.	3.

CHAPTER 4

One hot, steamy summer day, Wolf comes to the Cool Pool to lap up some of the refreshing water. Wolf drinks and drinks and drinks. Suddenly, Cardinal flutters into a nearby tree wishing to quench a thirst at the Cool Pool, too!

"Shoo, shoo, go away bird!" shouts Wolf. "Go away, this is where I'M drinking."

"But I'm so thirsty," chirps Cardinal. "I don't need very much water."

"I don't care. I was here first," pouts Wolf. "You can't drink here."

"Wolf," yells Cardinal, "the rights posted on the Old Oak Tree give all the animals the right to drink from this pond!!!"

"I don't care what the list says," says Wolf. "I'm here and I don't want to be bothered. You can go somewhere else to drink."

Cardinal tries to fly to the Cool Pool anyway, but Wolf will not let Cardinal drink from the pond.

"Wolf!" shouts Cardinal, "you are breaking the law by not letting me drink from the Cool Pool and I am going to tell the other animals."

"Go ahead," sneers Wolf. "See if I care. I'm bigger than all of them!!!"

Later, Cardinal tearfully tells friend Robin, "That Wolf won't let me get a drink from the Cool Pool."

"Why not?" asks Robin.

"I think Wolf is being mean. Wolf just wants all the water," cries Cardinal.

"You poor little bird," chirps Robin sympathetically. "Wolf is being cruel and selfish. Let's go tell 'Possum about this."

So they flit over to 'Possum's house. 'Possum agrees that Wolf is being selfish and the story spreads throughout the forest. 'Possum tells Turtle, Turtle mentions it to Rabbit, Rabbit whispers it to Squirrel, Squirrel chatters to Raccoon, and soon all the other animals hear that Wolf will not let any other animal drink from the Cool Pool and that Wolf wants all the water in the forest. They all agree that such a selfish animal could make life in the forest unhappy for everyone.

STOP AND THINK

1. Why did Wolf go to the Cool Pool?

_____

_____

2. Why did Cardinal go to the Cool Pool?

_____

_____

3. What was the problem between Wolf and Cardinal?

_____

_____

4. Has Wolf taken away a right from Cardinal?
   If so, which one?

_____

_____

5. Has Wolf broken a law? If so, which one?

_____

_____

6. As the animals in the forest told each other about the problem between Wolf and Cardinal, how did the story change? Was the story true?

_____

_____

_____

THINK AND ACT

Hold a rumor clinic in your classroom. Discuss how sometimes people are treated unfairly because of stories that are told about them and how such stories are often untrue.

CHAPTER 5

As the word spread on how Wolf treated Cardinal at the Cool Pool, the animals say, "Wolf thinks Wolf is so strong and tough, but we don't. Together, we can be stronger than Wolf is alone."

So together the animals sneak to the Cool Pool and capture Wolf. They tie Wolf to a tree by the pool where everyone can see. The other wolves hear about this and they come to complain. "Why is Wolf tied to the tree?" they all ask.

"Wolf is tied up because Wolf would not allow Cardinal to drink from the Cool Pool, and that's against the law," snaps Turtle.

"But should Wolf be treated like this?" ask the Wolves. "It doesn't seem fair."

"Well, I'm glad Wolf is tied up and out of the way," twitters Cardinal. "At last, I can get a drink from the Cool Pool."

"Yes," sniffles Rabbit."*The List of Rights* on the Old Oak Tree says Cardinal has the right to drink from the pool."

The pack of wolves runs away into the forest.

"What are we going to do with Wolf now?" inquires Turtle. "We can't just leave this animal tied to a tree forever."

"Yeah, that animal is spoiling my view of the beautiful forest," croaks Frog from the pool, "and I don't want to look at Wolf one more minute."

"Then what shall we do?" asks Turtle.

"I will decide! Yes, I will decide what to do with Wolf," hoots Owl, "because I'm the wisest!"

"Oh no you don't" roars Bear. "I will make the decision because I am the biggest."

Owl and Bear argue and argue until feathers and fur fly. The other animals join in the commotion and soon things get out of control.

"Tweetle-tw-e-e-e-et!" whistles Eagle loudly. "Stop all this bickering and calm down! We all need to be quiet so we can think."

Without another murmur, the animals calm down to think and think and think. After a while, Eagle makes a suggestion. "Let's have a trial with a judge and jury to make the decision about what to do with Wolf."

"What's a trial? A judge? A jury?" they all ask.

"A trial is a way to make a fair decision," explains Eagle."If we had a trial, Cardinal and Wolf would tell what happened at the pool. A jury is a group of animals who would

listen to Cardinal and Wolf and decide if Wolf broke the law. A judge is an animal who would decide how to punish Wolf if the jury decides that Wolf broke the law."

"Why should Wolf be allowed to talk? We all know Wolf broke the law," asks Snake.

"Because," replies Eagle, "none of us saw or heard what happened at the pool so the jury will need to hear both Cardinal and Wolf tell what happened before they can make a fair decision."

"Now that's a smart idea!" declares Owl.

STOP AND THINK

1. Was it fair for the animals to tie Wolf to the tree? Why or why not?

   _____

   _____

   _____

2. Do you think a trial is a fair way to decide if Wolf broke the law?
   Why or why not?

   _____

   _____

   _____

3. What might be some other fair ways to decide if Wolf broke the law? Unfair ways?

   _____

   _____

   _____

4. Why is it important in our lives to have fair ways to decide if people broke a law or a rule?

   _____

   _____

   _____

THINK AND ACT

Work with two partners. Pretend that one of you is Wolf, one is Cardinal, and one is the judge. Have a trial for Wolf without a jury. Follow the steps listed below. Check off each one as you do it.

_____Let Cardinal tell Cardinal's side of the story.

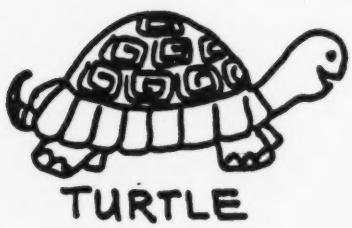
_____Let Wolf tell Wolf's side of the story.

_____Let the judge ask Cardinal and Wolf any questions.

_____Give the judge a few minutes to think.

_____Let the judge tell whether Wolf is guilty or not guilty.

_____Let the judge explain his or her reasons.



Court Record: What did your judge decide?

Guilty _____ or Not Guilty _____

ALL WOLVES ARE BAD
PUNISH ALL WOLVES
MEAN WOLVES

BEST COPY AVAILABLE

CHAPTER 6

The next day the trial is held and the jury finds Wolf guilty of breaking the law. The judge's punishment is to send Wolf to a cave for five days.

The trial and punishment of Wolf is the big news in the forest. All the animals talk about it. They talk about how Wolf would not let Cardinal get a drink from the Cool Pool. Squirrel declares, "Wolf was sent to the cave! That's good! But what about all the other wolves? No wolf can be trusted! All wolves are bad and should be punished!"

Rabbit agrees, "Yeah, just think about it — any old wolf might stop any of us from drinking at the Cool Pool. We must do something about it."

Other animals agree with Squirrel and Rabbit and shout, "Yes, yes, wolves cannot be trusted; we must do something about the big bad wolves."

They all agree to discuss what to do about the wolves at the next Monday morning meeting.

At the Monday morning meeting under the tallest pine tree near the beautiful fern pool, the animals gather to discuss the problem of the wolves.

All the animals are at the meeting. The large animals and the small, the birds and the fish, the snakes and the rabbits. The wolves are there, too. Some of the wolves are carrying signs saying "Be fair to wolves" or "We have done nothing wrong." Other animals have signs as well. Raccoon's sign says, "All Wolves are Bad" and Skunk's sign says, "Punish All Wolves."

Squirrel is in charge of the meeting. 'Possum speaks first: "Wolf has caused us a lot of trouble; all wolves are troublemakers. We must punish all the wolves." Then one of the wolves gets up to speak. "You're being unfair," the wolf says. "Wolf has been justly punished, but the rest of us have done nothing wrong. We're howling mad."

"Be quiet!" the other animals shout. "We don't want to hear what you have to say. All wolves are bad; all wolves are liars. You can't believe what wolves say. We don't have to listen to you."

"Yeah," growls Bear, "and get those signs out of here; they're bothering us."

But the wolves refuse to leave or take down their signs. "The other animals have signs, too," they say.

"That doesn't matter," says Skunk. "We don't like **YOUR** signs. Get out of here." And Skunk chases the wolves away.

"Wait a minute," says Turtle speaking slowly, "we should listen to what the wolves have to say. They might be right."

"Go back in your shell, Turtle," shouts Squirrel. "There is no reason to listen to wolves. All wolves are liars."

All of the animals begin to shout, yelling about what should be done with the wolves. "Quiet, quiet," shouts Squirrel. "You're all talking at once. I can't hear anything that is being said. We have rules here. At the Monday morning meetings we only speak one at a time and only when called upon."

STOP AND THINK

1. Why did the animals want to hold a meeting?

_____

_____

_____

2. Why did the animals not want the wolves to speak?

_____

_____

_____

3. Why did Bear want the wolves to take down their signs? Was that a good reason?

_____

_____

_____

4. Bear did not tell the other animals to take their signs down. Do you think it is fair that the wolves should remove their signs? Explain.

_____

_____

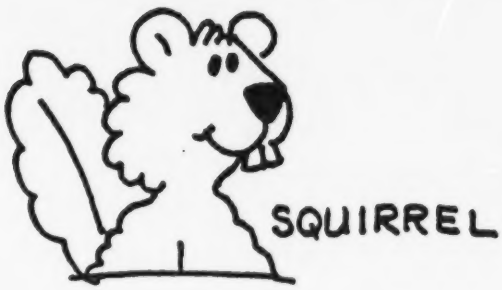
_____

5. If the wolves are not allowed to speak, can a fair decision be made about whether to punish the wolves? Why or why not?

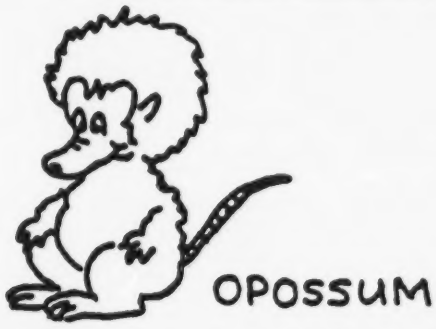
_____

_____

_____



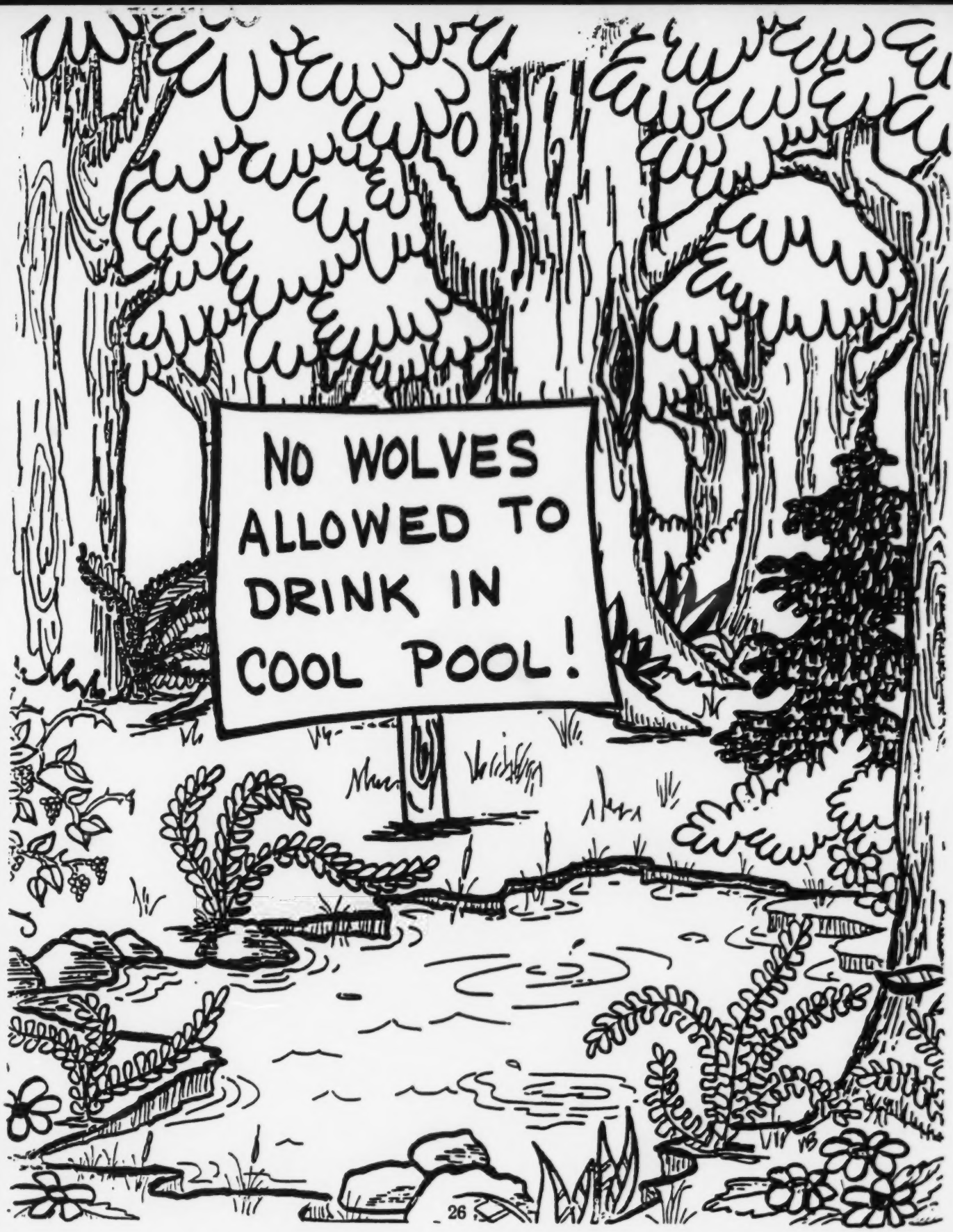
6. Why did Squirrel think that the animals should talk only when called upon?



7. Why do you raise your hand and wait to be called upon before you speak in class? Do you think this is fair?

THINK AND WRITE

Create a story that shows how things can go wrong if someone is not listening or is not allowed to speak.



BEST COPY AVAILABLE

CHAPTER 7

The Monday morning meeting under the tallest pine tree near the beautiful fern pool is still going on.

The animals continue to talk about how Wolf would not let Cardinal get a drink from the Cool Pool.

"All wolves are bad. No wolves can be trusted," says Raccoon. "We should punish those terrible wolves, but how?"

The more the animals talk, the more determined they become to teach the wolves a lesson!

"Wolf started all this in the first place," whines 'Possum.

Porcupine suggests, "Because Wolf wouldn't let Cardinal drink from the pool, I don't think we should let ANY of those awful wolves get a drink from the pool."

"Hurray! Hurray!" shout the animals in unison. They all agree and vote on it.

"Since Wolf violated a right of Cardinal, and because all wolves are alike, NO wolf will be permitted to drink from the pool," announces Porcupine.

Raccoon and Porcupine are assigned to make and post signs at the pool. The signs say: "No wolves allowed to drink in the Cool Pool!"

A little later a thirsty pack of wolves come to the pool for a cool drink.

Big Wolf says, "Hey, look at these signs. They say we can't get a drink here."

The wolves can't believe their eyes. They all are very hot and very thirsty from running around all day. "This is unfair!" they all howl. "You can't treat us like this!"

In a tiny voice, Little Wolf asks, "Why can't I get a drink? I'm thirsty."

Frog shouts back, "We all voted! None of you wolves can drink here, because last week Wolf wouldn't let Cardinal get a drink. That big bully!"

"Now wait a minute," says Eagle, "we can't vote to take away the rights of all of the wolves."

"Why not?" asks Squirrel?

"It is true that Wolf did something wrong and had to be punished," Eagle replies. "Wolf had a fair trial and it was shown that Wolf did not let Cardinal drink from the Cool Pool and Wolf was given a fair punishment. No one has shown that these other wolves did anything wrong. They did not have a trial. We just decided that we did not like them and voted to take away their right to drink at the pool. That's not fair."

The animals listen quietly. It is clear that they are thinking hard.

"Besides," Eagle continues, "wolves are important friends. They have beautiful fur coats, strong teeth, and legs that can run fast. They protect us at night. They have much to offer to our forest community and they deserve to be treated fairly. A wolf, like any of us animals, might break a law. Just because one wolf breaks the law, that doesn't mean we can vote to take away the rights of all wolves. That isn't fair and we all want to be treated fairly. This is why we agreed to the list of rights."

This makes the animals stop and think. Eagle is correct!

STOP AND THINK

1. Why did the animals want to keep all the wolves away from the pool?

   _____

   _____

   _____

2. Do you think it is fair to punish all the wolves because one wolf broke the law?

   _____

   _____

   _____

3. Think about this story: A swimming pool had the following rule: NO ONE CAN RUN IN THE SWIMMING AREA!! A girl was caught running and was told to leave the pool. The manager of the pool decided he could not trust any girl to obey the rule, so he ordered all the girls to leave the pool.

   a. Was it fair to have a No Running rule at the pool? Why or why not?

      _____

      _____

   b. Was it fair to tell the girl to leave after she broke the No Running rule? Why or why not?

      _____

      _____

   c. Was it fair to tell all girls to leave the pool? Explain.

      _____

      _____

4. Now think about both the story of the wolves being kept away from the Cool Pool, and the story of the girls being kept away from the swimming pool. How are the stories alike? How are the stories different? What is the main idea of these two stories?

Ways They Are Alike	Ways They Are Different
_____	_____
_____	_____
_____	_____
_____	_____

The Main Idea of These Stories Is:

_____

_____

_____

5. Is it fair to treat the wolves differently than the other animals who want to drink from the Cool Pool? Explain.

_____

_____

_____

6. Is it fair to treat the girls at the pool differently than the boys at the pool? Explain.

_____

_____

_____

THINK AND WRITE

Many of the animals seem to think that all wolves are bad. Just because Wolf didn't let Cardinal drink from the Cool Pool, does that mean all wolves are bad? Is it possible that other wolves are good wolves? Write a story or play about a good wolf. Possible stories could be "How Wolf Helped Little Red Riding Hood Find Her Grandmother's House" or "How Wolf Helped the Three Little Pigs Build New Homes."

HONEY

CHAPTER 8

At one Monday morning meeting, Squirrel raises a problem. "Our forest is full of delicious wild berries and nuts. But when I went out yesterday to pick some berries, they were all gone. I looked around and found Bear's paw prints all over the ground. Bear must have eaten all the berries and I didn't get any."

"That is right," adds Rabbit, "and that's not all Bear is eating. Bear ate all the roots near the fern forest and I need some for my new babies."

Several other animals have stories that suggest that Bear is, indeed, eating more food than any other animal.

Eagle turns to Bear and asks, "Is this true, Bear? Have you been eating all the things that these animals say you have?"

"Yes, it's true. I ate the berries, acorns, roots, and honey," admits the embarrassed Bear. "My hibernation begins soon and I need to store up lots of energy. Lots of energy takes lots of food. I'm sorry that I eat so much, but I need it."

The animals agree that Bear actually needs the food and is not taking it to be mean. However, they still have a problem. Much of the forest food is gone and all the animals need food — a right listed on the Old Oak Tree.

"What should we do?" asks Chipmunk.

"Let's just divide the forest food equally among all of the animals," says Rabbit. "Everybody will get the same and be happy."

"I think that sounds fair," says Porcupine.

So, the animals decide that all animals will have equal amounts of food.

STOP AND THINK

1. What problem were the animals having with one another?

_____

_____

_____

2. How did they solve their problem?

_____

_____

_____

3. Do you think this was a fair solution? What new problems might it create?

_____

_____

_____

* * * * *

So, the forest food is equally divided and piled up on the shady side of each animal's home. A week passes.

"I need more food for my growing family," says Rabbit. "We had four new baby bunnies yesterday."

"I can't eat all this, whines Snail.

"I'm still hungry," snarls Fox.

"I need more food to eat RIGHT NOW, before my long winter hibernation," growls Bear.

"Look at Ant's hill, look at all that food going to waste," observes Chipmunk.

"All this food won't fit in my ant hill," explains Ant. "It's too much."

"The smell of your rotting, spoiled food makes me sick!" complains Deer.

STOP AND THINK

1. What is the problem the animals are having now?

_____

_____

_____

2. How would you solve this problem?

_____

_____

_____

* * * * *

The animals meet again.

"What is fair?" they ask each other.

"Rabbit's idea of sharing the food equally sounded good but it didn't work," says Porcupine.

"What is fair?" they all ask again.

"Let's agree to let different animals have different amounts of food," suggests Rabbit.

"Why?" asks Squirrel.

"Animals' needs differ. Some are larger and can eat more food. Some have larger families than others, Some need to store food for the winter. They all do not need the same amount of food," explains Rabbit.

"Oh, I understand," says Squirrel. "Let's do it that way."

"But remember," says Porcupine, "Rabbit's suggested solution is not EQUAL for every animal. Is this okay?"

"Yes," answers Eagle, "It's okay to be different because our needs are different. Some animals do not need as much food as other animals."

STOP AND THINK

1. How did the animals solve the problem of how to split up the food?

   _____

   _____

   _____

2. Is it fair to give different amounts of food to different animals? Why or why not?

   _____

   _____

   _____

3. What should be considered in deciding how to divide up the food?

   _____

   _____

   _____

THINK AND ACT

In the following stories choose the fairest solution:

1. At lunchtime you decide that you do not want to eat your apple. You are willing to give it to someone else to eat. Harry lost his lunch box on the way to school and is very hungry. Ralph has just finished eating a big lunch. Both boys ask you for your apple.

   a. Give the apple to Harry.

   b. Give the apple to Ralph.

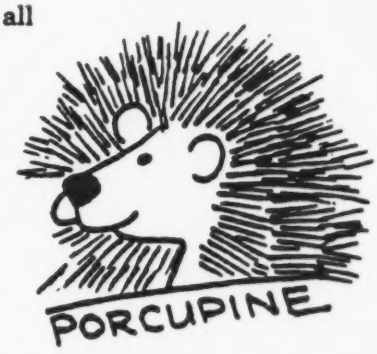
c. Cut the apple into two equal pieces and give one-half to Harry and the other half to Ralph.

_____ is the fairest solution because

_____

_____

2. Tracy and Stephanie have an arithmetic test. Tracy studies very hard and does very well on the test. Stephanie does not work hard at all and does poorly on the test.

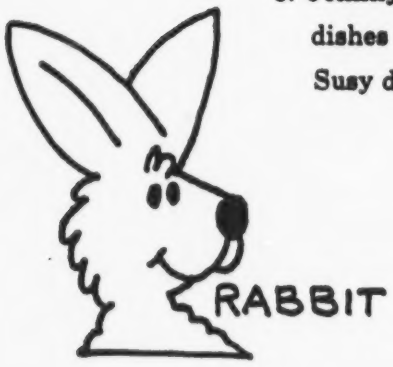


a. Tracy and Stephanie should get the same grade.
b. Tracy should get a higher grade than Stephanie.
c. Stephanie should get a higher grade than Tracy.

_____ is the fairest solution because

_____

_____



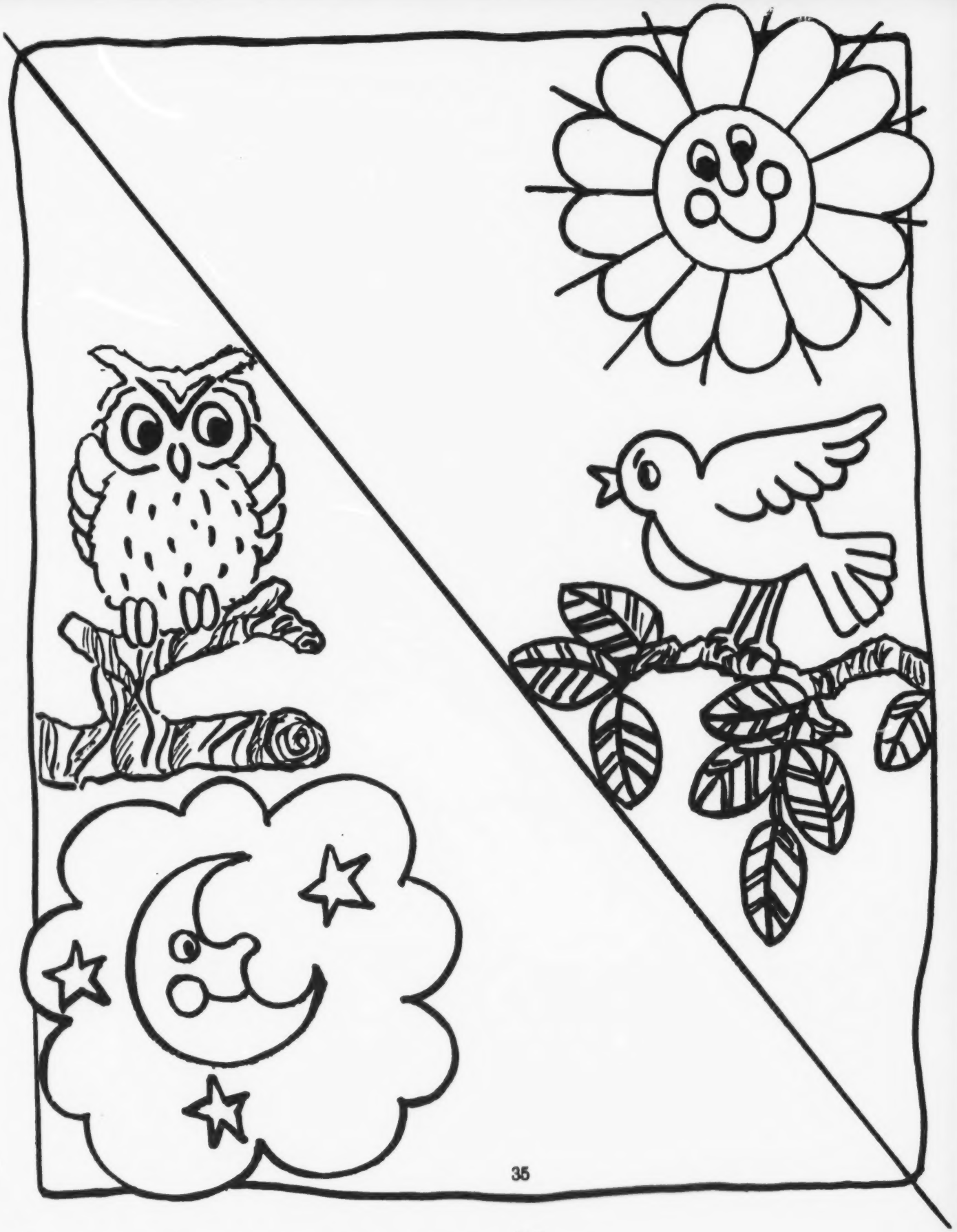
3. Johnny and Susy earn extra money by washing and drying dishes for their parents. Johnny washes the dishes while Susy dries them.

a. Johnny should be paid more than Susy.
b. Susy should be paid more than Johnny.
c. They should both be paid the same.

_____ is the fairest solution because

_____

_____



35

CHAPTER 9

"Hoot, hoot, hoo-oo-ot! Who, whoo, who-o-o-o-o Who-ooo?"

"Who is that?" asks Chipmunk.

"Who is what?" answers Gopher.

"Who is who-who-whooting all night long?" yawns Chipmunk.

"I don't know," says Gopher, "but that noise keeps me awake every night."

Gopher and Chipmunk take their complaint to the Monday morning meeting under the Old Oak Tree beside the beautiful fern pool.

"I know just what you mean, I can't sleep either," groans Toad.

"Yes, that hooting drives me up a tree," complains Squirrel.

"I think Owl is the one to blame." says Raccoon, "Let's go on an Owl prowl."

The animals go hunting and find Owl asleep in the hole of a tree. They wake up Owl. "Who, Whoooo?" Owls says. The animals take Owl back to the meeting with them.

"What's wrong?" asks Owl sleepily.

Chipmunk answers, "We're sick of all your hooting at night; we can't sleep."

"Yes, we want you to stop hooting," adds Squirrel.

"May I remind you," hoots Owl, "that all animals have the freedom to speak. And while we're on the subject, why don't you stop Robin from making all that noisy chirping so early every morning?"

"I rather like Robin's sweet tweets," says Raccoon.

"Yes, my song is beautiful," twitters Robin. "The animals love to hear me sing."

"Well, why should I have to stop hooting during the night," asks Owl, "if Robin doesn't have to stop chirping in the daytime?"

"I'm supposed to chirp during the day," says Robin.

"And I'm supposed to hoot during the night," says Owl.

All the animals look at each other. They have a problem to solve.

STOP AND THINK

1. What was the disagreement between Owl and Robin?

_____

_____

_____

2. Whose side would you take? Why?

_____

_____

_____

3. How do you think this disagreement should be resolved?

_____

_____

_____

The animals ask Eagle for advice.

Eagle says, "Both Owl and Robin have the right to speak. It says that on *The List of Rights* posted on the Old Oak Tree. What rule can we make so that Owl does not keep Robin up at night and Robin does not wake up Owl in the daytime?" asks Eagle.

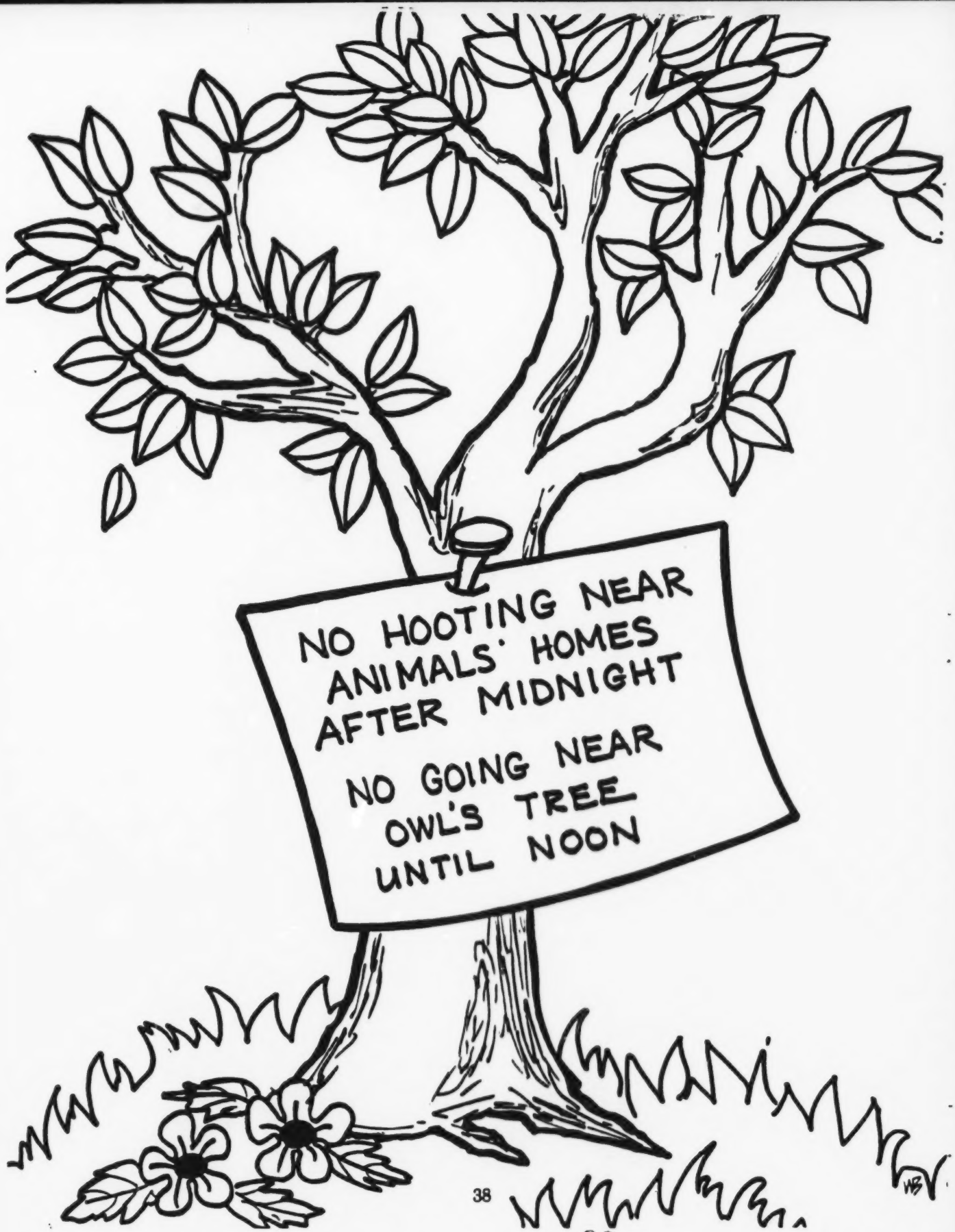
Raccoon says, "I suggest that we make a rule that says Owl cannot hoot near our homes after midnight and the rest of us animals must stay away from Owl's tree until noon."

Some of the animals do not like this new rule.

Snake says, "The sign on the tree says I have the right to hiss and I think that means that I can hiss anytime and anyplace I please! Owl should sleep during the night, anyway."

But most of the animals agree with Eagle, "If we want harmony in the forest, all of us will have to respect the different ways we each like to live and to respect each other's rights."

So, the next day, a new law is posted in the forest. It says:


NO HOOTING NEAR
ANIMALS' HOMES
AFTER MIDNIGHT
NO GOING NEAR
OWL'S TREE
UNTIL NOON

STOP AND THINK

1. What was the solution that the animals worked out to solve the disagreement between Owl and Robin?

2. Was the solution a fair one? Why or why not?

THINK AND WRITE

Read the story below and answer the questions that follow:

In three weeks the big festival at the grade school will take place. All the classes are busily preparing the skit or song they will present at the festival. But when the third grade class practices its song, the noise is so loud that the second grade class next door cannot do its work. The third grade class says it has a right to sing and to practice its song for the festival. The second grade class says it has a right to quiet so the students can do their work. How is this problem like the one the animals faced?

Consider the story piece by piece. Does the third grade have a right to sing and practice for the festival? Does the second grade class have a right to quiet so the students can do their work? Does the third grade class have the right to sing anytime it wants? How would you resolve this conflict in a way that the rights of both the third grade class and second grade class are not taken away?

BILL OF RIGHTS
CURRICULUM EVALUATION
PRIMARY UNIT

Teacher _____
School _____
Grade _____
Lesson Taught _____

A. Please rate your degree of agreement/disagreement with the following statements:

	Totally Agree				Totally Disagree
1) The lesson was well suited to my students' conceptual level.	1	2	3	4	5
2) The lesson provided new information.	1	2	3	4	5
3) The lesson presented concepts and information in a better manner than do traditional texts.	1	2	3	4	5
4) The lesson meshed well with our course outline for the semester.	1	2	3	4	5
5) I personally learned something from the lesson.	1	2	3	4	5
6) The materials were complete enough for good presentation.	1	2	3	4	5
7) I feel the lesson will be thought-provoking for students (stimulate out of class thought & discussion).	1	2	3	4	5
8) I can pick up on the lesson in subsequent classes.	1	2	3	4	5
9) I think the lesson challenged some students' attitudes.	1	2	3	4	5
10) The lesson incorporated, built upon material we have already covered.	1	2	3	4	5
11) I was able to use the lesson as is.	1	2	3	4	5
12) I adapted the lesson in my presentation.	1	2	3	4	5
13) I would consider using more such materials in my classes.	1	2	3	4	5
14) I feel the materials are deficient in some way.	1	2	3	4	5

Please respond to the questions on the back of this sheet also.

Mail completed form to:
Alan Frank, University of Nebraska, College of Law, Lincoln, NE 68583-0902

B. Please answer the following:

1) Describe students' reaction/participation to this lesson:

2) What do you consider the best point of this lesson/activity?

3) What suggestions do you have for adapting or modifying this lesson/activity?

4) Were the materials adequate? How could they be improved?